

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
Steven R. Neuner, Esq. ID number: SN8682
Neuner and Ventura LLP
Willow Ridge Executive Office Park
750 Route 73 South, Suite 210
Marlton, NJ 08053
(856) 596-2828
Attorneys for Steven R. Neuner, Trustee

In re: Douglas N. Kilpatrick

Case No. 07-21828 GMB
Judge: Hon. Gloria M. Burns
Chapter 7

Recommended Local Form: ☒ Followed ☐ Modified

**APPLICATION FOR RETENTION OF PROFESSIONAL
AND CERTIFICATION OF COMPLIANCE WITH D.N.J. LBR 2014-1(a)**

1. The applicant, Steven R. Neuner, Trustee, is the
☒ Trustee: ☒ Chap. 7 ☐ Chap. 11 ☐ Chap. 13.
☐ Debtor ☐ Chap. 11 ☐ Chap 13
☐ Official Committee of unsecured creditors
2. The applicant seeks to retain the following professional, Mitchell L. Goldfield to serve as
☐ Attorney for: ☐ Trustee ☐ Debtor in Possession
☐ Official Committee of unsecured creditors
☐ Accountant for: ☐ Trustee ☐ Debtor in Possession
☐ Official Committee of unsecured creditors

[x] Other professional:

[] Realtor [] Appraiser [x] Special Counsel

[] Auctioneer [] Other (specify):

3. The employment of the professional is necessary because:

- a. The assets of this Estate include the following cause of action or claim ["**the Claim**"]: Personal injury claim arising from May 28, 2006 automobile accident.. Suit has not yet been filed and treatment is continuing..
- b. The proper administration of this Estate requires the services of an attorney to investigate the Claim, to provide advice about its value and proper handling, and to pursue a recovery upon the Claim by litigation, settlement or otherwise.
- c. I propose for these purposes to employ as Special Counsel Mitchell L. Goldfield, Esq. ["**the Firm**"] on the terms set forth herein.

4. The professional has been selected because:

- a. The Firm has represented the debtor previously in connection with this claim or action. This gives the Firm unique familiarity with the facts and issues of the case. Additionally, in my opinion the Firm is otherwise qualified to pursue successfully such claims on the terms set forth herein.
- b. I believe from prior knowledge or from reputation and/or discussions with the attorneys at the Firm that it is qualified and has the experience to adequately represent this Estate's interest.
- c. The Firm is willing to undertake representation on a contingent fee basis.

5. The professional services to be rendered are as follows:

Advice and representation of the Estate in connection with the Claim. If authorized herein,

Special Counsel will also be authorized to retain expert witnesses with prior approval, with any fees or costs incurred to be reimbursed as part of the Firm's litigation expenses upon proper application therefor.

a. **Authorization to hire experts.** As part of this representation, proposed Special Counsel will need to hire experts to advise and assist in the conduct of this litigation.

This application seeks such advance authorization, provided

i. Special Counsel will pay or advance any fees required by such experts (with such payment or advance to be included as a cost of Special Counsel in any subsequent fee application to this Court; and

ii. The proposed terms of retention and estimates of total costs and fees are approved in advance, by the Trustee, in writing.

6. The proposed arrangement for compensation is as follows:

The Firm has agreed to represent the Estate in this matter on a contingent fee basis. Fees will be in accordance with the fee schedule set forth in New Jersey Court Rule 1:21-7. (33 1/3% of first \$500,000. Actual and reasonable litigation expenses will be paid out of any proceeds recovered, before fees. Expert Witness fees and costs will be part of the litigation costs, if reasonable and necessary.

7. To the best of the applicant's knowledge, the professional's connection with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States Trustee, is as follows:

☒ None

☐ Describe connection:

8. To the best of the applicant's knowledge, the professional (check all that apply):

☒ does not hold an adverse interest to the estate

☒ does not represent an adverse interest to the estate.

☒ is a disinterested person under 11 U.S.C. §101(14).

☒ does not represent or hold any interest adverse to the debtor or the estate with respect to the matter for which he/she will be retained under 11 U.S.C. §327(e)

☐ Other; explain: To the extent Special Counsel has previously represented the debtor or the debtor's interests may diverge from those of the Estate a potential for conflict exists.

These are addressed adequately, we believe in the attached form of order.

9. If the professional is an auctioneer, appraiser or realtor, the location and description of the property is as follows:

Not Applicable

Wherefore, the applicant respectfully requests authorization to employ the professional to render services in accordance with this application, with compensation to be paid as an administrative expense in such amounts as the Court may hereafter determine and allow.

Dated: October 18, 2007

/s/ Steven R. Neuner, Trustee

Signature of Applicant

Steven R. Neuner, Trustee

Name of Applicant

Certificate of Compliance with D.N.J. LBR 2014-1(a)

I have complied with D.N.J. LBR 2014-1(a) by mailing a copy of this application to all the following who did not receive electronic notice from the Court: United States Trustee, Debtor and/or Debtor's attorney; the Trustee (as applicable), the secured creditors, the Official Committees (as applicable), and others requesting notice, all of whose addresses are shown on the attached service list, by regular mail, postage prepaid, within one (1) day after filing with the Court.

Dated: October 18, 2007

Signed: /s/ Steven R. Neuner Esq.

Steven R. Neuner, Esq.